

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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**ANDREAS PEFANIS on behalf of
themselves and others similarly situated,**

Plaintiff,

INDEX NO: 08cv002(DC)

v.

WESTWAY DINER, INC.

Defendants.

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JOINT PROPOSED SCHEDULING PLAN

COME NOW the parties to the above-captioned action, and pursuant to and in accordance with FRCP § 26(f), the Parties submit this report of their February 12, 2008 meeting:

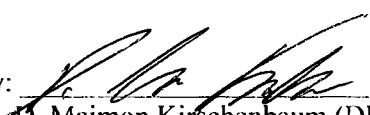
1. Parties will make initial disclosures pursuant to FRCP § 26(a)(1) by February 29, 2008.
2. There is a significant possibility that Parties will achieve a prompt settlement or resolution of the case.
3. The discovery deadline shall be July 28, 2008
4. Data stored exclusively electronically shall be produced in the form in which it is stored. Defendants maintain that they have implemented adequate data preservation protocols for electronically stored data.

5. When either party is notified that privileged material has been sent inadvertently during discovery, the privileged material shall be returned immediately and the receiving party shall not retain copies of the privileged material.
6. No limitations or changes to discovery shall be made that are inconsistent with the Federal Rules of Civil Procedure or the Local Rules for the Southern District of New York.

Respectfully submitted,

JOSEPH & HERZFELD LLP

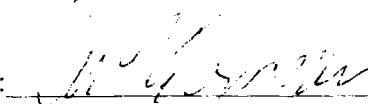
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Attorney for Defendants

SO ORDERED:

Dated

U.S.D.J.